



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

January 23, 2004

H.R. 2844 **Continuity in Representation Act of 2004**

As ordered reported by the House Committee on Judiciary on January 21, 2004

SUMMARY

H.R. 2844 would provide for the continuity of the House of Representatives if the Speaker of the House announced that there were “extraordinary circumstances”—effectively 100 or more vacancies in the House of Representatives. The bill would require states to hold special elections to fill vacancies in the House of Representatives within 45 days of such an announcement. The bill also would provide for judicial review of challenges to the announcement of extraordinary circumstances. CBO estimates that enacting H.R. 2844 would have no significant impact on the federal budget.

By requiring states to hold elections within 45 days of an announcement of “extraordinary circumstances,” H.R. 2844 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs of that mandate over the next five years would not exceed the threshold established in that act (\$60 million in 2004, adjusted annually for inflation).

H.R. 2844 contains no new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

CBO estimates that enacting H.R. 2844 would have no significant impact on the federal budget over the next several years. Although the bill could affect the timing and amounts spent on Members' salaries (which are classified as mandatory) and office expenses (which are subject to appropriation), CBO expects that any such impact is unlikely to occur and would be minor in any event.

INTERGOVERNMENTAL MANDATES CONTAINED IN THE BILL

H.R. 2844 would require states to hold elections within 45 days after an announcement by the Speaker of the House that there are “extraordinary circumstances”—effectively 100 or more vacancies in the House of Representatives—unless a regularly scheduled general election would occur within 75 days. This intergovernmental mandate would require 40 states to hold general elections more quickly than they currently would in the event of a vacancy that does not coincide with a regularly scheduled election; some states would need to amend their state constitutions. Further, the bill would likely prohibit states from holding primaries—as required by law in some states—for two reasons. First, the short time frame for the general election would make the holding of a primary logistically infeasible, and second, political parties would be required to furnish a candidate within 10 days of the announcement of extraordinary circumstances.

ESTIMATED DIRECT COSTS OF THE MANDATES TO STATE AND LOCAL GOVERNMENTS

Based on information from state and local election professionals, CBO estimates that the cost to run a special election ranges from \$200,000 to \$500,000 per district (in 2004 dollars), depending on the circumstances and location of the special election, the total number of special elections being held nationwide, and other factors. In the absence of the bill, states would hold elections and fill vacancies, but CBO estimates that the new requirements and short time frame required by the bill would likely generate significant additional costs for states. However, the likelihood is small that, over the next five years, events would occur triggering the provisions of H.R. 2844. Even if such an event were to occur, the additional costs for special elections might not exceed the threshold established in UMRA (\$60 million in 2004, adjusted annually for inflation).

ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 2844 contains no new private-sector mandates as defined in UMRA.

PREVIOUS ESTIMATES

CBO provided an estimate for H.R. 2844 as ordered reported by the House Committee on Administration on November 19, 2004. The bills and the cost estimates are identical.

ESTIMATE PREPARED BY:

Impact on State, Local, and Tribal Governments: Sarah Puro

Federal Costs: Deborah Reis

Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

Robert A. Sunshine

Assistant Director for Budget and Analysis